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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/975,479	10/11/2001	Yoko Saino	1232-4778	9757
27123	7590	08/15/2006	EXAMINER	
MORGAN & FINNEGAN, L.L.P. 3 WORLD FINANCIAL CENTER NEW YORK, NY 10281-2101			KOROBV, VITALI A	
			ART UNIT	PAPER NUMBER
			2155	

DATE MAILED: 08/15/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Advisory Action</b> <b>Before the Filing of an Appeal Brief</b>	<b>Application No.</b> 09/975,479	<b>Applicant(s)</b> SAINO ET AL.	
	<b>Examiner</b> Vitali Korobov	<b>Art Unit</b> 2155	

**--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

THE REPLY FILED 06 June 2006 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.  
 b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on \_\_\_\_\_. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

#### AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because  
 (a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);  
 (b) ☐ They raise the issue of new matter (see NOTE below);  
 (c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or  
 (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: \_\_\_\_\_. (See 37 CFR 1.116 and 41.33(a)).


4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).  
 5. ☐ Applicant's reply has overcome the following rejection(s): \_\_\_\_\_.  
 6. ☐ Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).  
 7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.  
 The status of the claim(s) is (or will be) as follows:  
 Claim(s) allowed: none.  
 Claim(s) objected to: none.  
 Claim(s) rejected: 1-19.  
 Claim(s) withdrawn from consideration: \_\_\_\_\_.

#### AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).  
 9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).  
 10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

#### REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:  
See Continuation Sheet.  
 12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s). \_\_\_\_\_.  
 13. ☐ Other: \_\_\_\_\_.

  
**SALEH NAJJAR**  
 SUPERVISORY PATENT EXAMINER

Continuation of 11. does NOT place the application in condition for allowance because: The Applicants in substance argue the following points: 1. Saulpaugh Fails To Teach, Disclose Or Suggest The "Determining Means," "First Acquisition Means," "Transmission Request Notification Means." And "Second Acquisition Means" Of Applicant's Claim 1.

2. Sengodan Does Not Mention A Look Up Service, And Cannot Disclose The "Determining Means," "First Acquisition Means," "Transmission Request Notification Means," And "Second Acquisition Means" Of Applicant's Claim 1.

3. Waldo Is Not Alleged By The Office Action To Disclose The "Determining Means," "First Acquisition Means," "Transmission Request Notification Means," And "Second Acquisition Means" Of Applicant's Claim 1.

Regarding point 1, the Examiner respectfully submits that even though Saulpaugh does not explicitly disclose the "determining means for determining" whether a look-up service can be searched, it is an old and well known fact that any operable service, such as Jini look-up server of Saulpaugh, upon request of a user, will either fulfill the user's request, (or, in Applicants' terminology, provide "first acquisition means") for what the user wants, or the system will issue an error message, if the server is not available for whatever reason, in which case, obviously, the user will need to find another way to get what he wants, for example resort to multicasting his request to entities that can deliver, as is taught by Sengodan, who teaches "second acquisition means" in case the "first acquisition means" for whatever reason fail. "Transmission Request Notification Means" are always present in any operable network, otherwise communication between the nodes or between clients and servers would not be possible. The Examiner respectfully submits that, fancy terminology notwithstanding, Claim 1 does not contain any subject matter that is not disclosed by modified Saulpaugh.

Regarding 2, the Examiner respectfully submits that Sengodan teaches a "look-up table", which resides on a server, and therefore is analogous to a look-up server, but the rejection does not rely on the teachings by Sengodan of that feature, since the look-up server is taught by Saulpaugh, and Sengodan was cited primarily for multicasting of a user request to a well-known group of resources of a service provider.

Regarding 3, the Examiner respectfully submits that Waldo was not cited for the features the Applicants claim it does not teach, so the argument is moot.

MPEP § 2141.01(a) that the Applicants cite in support of their claim that Sengodan and Saulpaugh are not analogous art since they are not classified in the same class/subclass, in fact provides no support whatsoever for that allegation.

Therefore, the Office respectfully maintains the finality of the rejection of all pending claims.